

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**V.**

DAVID FOLKENFLIK, ET. AL.,

### Defendants.

**CIVIL ACTION NO.**

**4:18-CV-00442-ALM**

## SECOND JOINT MOTION TO UNSEAL CERTAIN DOCUMENTS

COME NOW Plaintiff Ed Butowsky (“Plaintiff”) and Defendants National Public Radio, Inc., David Folkenflik, Edith Chapin, Leslie Cook, and Pallavi Gogoi (“Defendants,” and collectively with Plaintiff, the “Parties”), and file this Second Joint Motion to Unseal Certain Documents. In support of their motion, the Parties state as follows:

1. On October 19, 2020, the Parties entered into a Settlement Agreement and Release (the “Release”) and filed an accompanying Joint Stipulation of Dismissal with Prejudice with this Court (Dkt. 210). As part of the Release, the Parties agreed that certain portions of the record previously filed under seal should be unsealed and considered public.

2. To effect this provision in the Release, the Parties hereby jointly move this Court to unseal certain sealed entries on the docket:

a. Defendants' Sur-Reply in Opposition to Plaintiff's Motion for Leave to File Amended Complaint, Docket Entry 118 (March 23, 2020);

- b. Reply in Support of Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel, Docket Entry 122 (March 26, 2020); and
- c. Sealed Notice of Supplemental Evidence in Support of Motion to Compel, Docket Entry 132 (May 8, 2020).

To the extent that these documents were previously filed under seal because they incorporated or referenced material marked confidential pursuant to the Protective Order in this case (Dkt. 67), the Parties—and any third party who originally designated the material—have agreed to de-designate such material as such.

WHEREFORE, Plaintiff and all Defendants request that this Court unseal docket entries 118, 122 and 132.

Respectfully submitted,

By: /s/ Ty Clevenger

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of October, 2020, I served the foregoing document on all counsel of record by filing it with the Court's ECF system.

/s/ Laura Lee Prather  
Laura Lee Prather